

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1523 OF 2006**

Shashi Dushan Motwani ... Petitioner

vs

Dushan Rewachand Motwani & ors..Respondents
with CRIMINAL WRIT PETITION NO. 1730 OF 2006

Mrs Sheelu @ Neeru Motwani & ors... Petitioners

vs

The State of Maharashtra & ors .. Respondents

Ms Archana Khan with Mr.J.R.Gupta for Petitioner
Mr.A.S.Gadkari, A.P.P. For Respondents

....
**CORAM : J.N.PATEL AND SMT R.S.
DALVI, JJ**
DATE: 6th October, 2006.

P.C.

1. The parties in these two Writ Petitions are related. The petitioner in Writ Petition No.1523 of 2006 is the wife of respondent no.1 and daughter -in-law of respondent nos. 2 and 3. The Petitioners in Writ Petition No. 1730 of 2006 are the parents in-law of respondent no.2.

2. The wife has lodged a F.I.R. alleging cruelty

and harassment to her under section 498-A of I.P.C. Her parents-in-law have lodged an F.I.R. against her under sections 380, 349, 506 (2) and 504 of I.P.C.

3. Both the parties have settled the family dispute. The wife and the husband have filed consent terms in the Family Court, Mumbai in their divorce petition.

4. Considering the spirit of the Family Court Act, 1984 the parties are allowed to settle their disputes even as regards their respective F.I.Rs lodged by them.

5. Consequently, both the F.I.Rs require to be quashed. The F.I.R. filed by the wife registered as C.R., NO.67 of 2004 lodged with Meghwadi Police Station, Mumbai and which has culminated in a criminal case in Railway Mobile Magistrate's Court, Andheri (East) Mumbai stands quashed. Similarly,

F.I.R. of her parents in-law in C.R.NO.202 of 2005 which has culminated in Criminal Case NO.102/PW/2006 stands quashed.

5. Both the Writ Petitions are disposed of accordingly.

(Smt R.S.Dalvi, J)

(J.N.Patel, J)

3rd October, 2006

Bombay Gymkhana Ltd,
M.G.Road,

Mumbai – 400 001.

Sir/s,

I thank you for your letter dated 19th/20th September, 2006 and enclose cheque for Rs.3,367/- as requested in your letter.

Kindly acknowledge receipt of the cheque.

Yours faithfully,

(Smt Roshan Dalvi,J)

Encl: As above

27th September, 2006

The Manager,
H.D.F.C.Securities Ltd,
Mumbai

Sir,

Sub: Trading A/c & Unique Client Code
443513
Demat A/c No.40994986
S.B.A/c No.0011050048383

We have changed our residential address. I
annexe copy of the allotment order of official residence
as Judge, High Court, Bombay. The necessary change
has been made in our savings A/c as well as Demat
A/c. It has yet remained to be made in Trading A/c.

We request you to make a similar change in Trading A/c also.

Thanking you,

Yours faithfully,

(Smt Roshan Dalvi, J)

(Ms.Ruby Siganporia)

Prerna case

Directions to CBI

1. Networking, co-operation and co-ordination of services with NGOs as guardians/social service providers/legal experts. (multi-agency investigation team comprising social mediators, medical and forensic officers, and media, if necessary Liaise with the police, NGOs in other states of even countries, in case of cross-border trafficking.

2. Counselling - The child should at once be sent for counselling .
3. Risk assessment with regard to the safety and welfare of the victims and their family for and after rescue.
4. Drawings of profiles of victims and traffickers (“flagging”) – and computerising them in a database.
5. Child friendly “interview” by or along with a qualified female social worker – not interrogation in uniform (a parent/tutor/support person if available, should be kept just outside the interview room for moral support)
6. Video recording of Interviews (with prior briefing of the child)- The object is to reduce repetition narration of the incident and events by the child

7. Provision of legal aid to victims: The legal Services Authority (both at National and State levels) should be contacted and involved in providing free legal service to victims, witnesses and potential victims. In the alternative, the office of the Prosecutors be contacted for opinion, advise and assistance to victims, witnesses and potential victims.

8. Rehabilitation: This means and includes providing shelter, educational opportunity, employment, or learning facilities.

9. Victims/Witness Protection Group- to implement special protective steps.

10. Pro-active intelligence led investigations to dismantle the organised criminal gang behind child trafficking including cross-border intelligence from border guards.

11. Seizure of property - Assets and properties, movable and immovable, of suspected traffickers should be seized, sealed and later sold for payment of compensation to victims.

12. 'Bogus Raids' – Such raids must be conducted at regular intervals to nab the traffickers red-handed.

CBI DIRECTIONS (Part II)

1. Conduct Awareness raising programmes in schools, colleges, public places, Courts, Police Stations to sensitize people and help enlist volunteers who would serve as informants or decoys during raids and rescue operations, identify location of brothels, and traffickers connected to them.

2. Plan for “busting” trafficking network. Collaborative plan with NGOs, students, lawyers,

doctors, academics, local police, media for mapping an area, video documentation etc.

3. NGOs to be involved in investigation and extension of their services in repatriation/rehabilitation.

4. Long-term Relationship with community members in sensitive, high-density areas to break the trafficking racket.

5. Networking with NGOs including NGOs in originating and destination countries to make Home Investigation Reports (HIR).

...

OCTOBER 14- 15 CONFERENCE

1. Creation of Specialist P.Ps for trafficking cases.
2. Speedy trials/No bails.
3. Periodic visits to Rescue Homes.
4. Liaise with Social Workers
5. Legal Rep. With her consent and in consultation with the support person (NGO)
6. Proceedings in chambers – CCTV ?
7. Insist on Municipal Birth Certificate.

7. Evidence of victim first -Medical evidence than Adjournment. Day to day conducting trials – If reqd so through Interpreter as to the Judge than Judge to victim.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. OF 2006**

..... **Appellant**

vs

The State of Maharashtra ... Respondent

Mr. for Appellant

Mr. A.P.P. for Respondent

CORAM :

DATE: August, 2006

ORAL JUDGMENT

1.

(Smt Roshan Dalvi, J)

(J.N.Patel, J)